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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,937	09/07/1999	IGOR V. KARPENKO	VISAP022/P10	7838

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/390,937

Applicant(s)

KARPENKO, IGOR V.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/22/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Claims 15-16 are withdrawn, claims 1-14, 17-28 remain.
2. Applicant's arguments filed 18 November 2002 have been fully considered but they are not persuasive.

Specifically, applicant's argument that Crooks et al does not disclose a utility reading being received, figure 12 (124) clearly discloses a meter reading of 58,113Kwh as a measure of usage.

Claims 16-20 were accidentally overlooked, and have been rejected, below.

Applicant's arguments regarding the rejections of claims 9, 10-12, 26, and 27 over Thompson have been considered and are convincing, Frew et al ('632) teaches a utility company accepting a credit/debit card through an interface (VISAnet which is seen to be a specific type of credit network will be seen to be included as part of the debit/credit aspect of the claims) for use with a utility meter for the payment convenience of the user and had been cited in the rejections below.

Applicant's arguments regarding claims 13-14, and 28 have been considered, the Frew et al reference has been applied below.

Claim Rejections - 35 USC § 102

3. Claims 1-4, 6-8, 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Crooks et al (6,052,671).

As per Claim 1.

Crooks et al ('671) discloses:

receiving a utility reading, the utility reading being a measure of the usage of the utility by a customer, wherein the utility reading is received from a first remote location

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across a first transmission medium, see figure 7, (65⁴, 20) and column 2, lines 5-30 and figure 12 (124);

determining an amount, wherein the amount is determined using the utility reading, see figure 12 (124);

transmitting the amount to a second remote location, the amount being transmitted to the second remote location across a second transmission medium, wherein the second remote location is arranged to effect a payment of the amount by a customer see figure 7 (58).

As per claim 2.

Crooks et al ('671) further discloses:

the first transmission medium is a network communications line, see column 2, lines 28-30.

As per claim 3.

Crooks et al ('671) further discloses:

the second transmission medium is a network communications line, see column 2, lines 28-30.

As per claim 4.

Crooks et al ('671) further discloses multiple sites associated with a customer, see figure 7 (58a-c), and receiving address information associated with a location of a meter, see figure 9 (110).

As per Claim 6, 25.

Crooks et al ('671) further discloses:

transmitting the amount across a global telecommunications network, the global telecommunications network being arranged to substantially perform clearance and settlement transactions, see column 2, lines 26-30.

As per Claim 7.

Crooks et al ('671) further discloses:

generating a credit message using the amount, wherein transmitting the amount to the second remote location includes transmitting a credit message to the second remote location, see figure 5 (235, 270).

As per Claim 8.

Crooks et al ('671) further discloses:

generating a debit message using the amount wherein transmitting the amount to the second remote location includes transmitting the debit message to the second location, see figure 5 (235, 270)

As per Claim 24.

Crooks et al ('671) discloses:

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receiving a utility reading, the utility reading being a measure of the usage of the utility by a customer, wherein the utility reading is received from a first remote location across a first transmission medium, see figure 7, (65, 20) and column 2, lines 5-30 and see figure 12 (124);

determining an amount, wherein the amount is determined using the utility reading, see figure 12 (124);

transmitting the amount to a second remote location, the amount being transmitted to the second remote location across a second transmission medium, wherein the second remote location is arranged to effect a payment of the amount by a customer, see figure 7 (58)

a computer readable medium for storing the computer codes, see figure 1 (26, 28).

4. Claim 17 is rejected under 35 U.S.C. 102(e) as being unpatentable over Chasek (5,894,422).

As per Claim 17.

Chasek ('422) discloses:

an electronic meter reader, wherein the electronic meter reader is arranged to electronically obtain meter counts associated with the usage of the utility, see column 4, lines 6-31;

a processor-memory unit, the processor-memory unit being coupled to the electronic meter reader, the processor memory unit being arranged to process and store information relating to the usage of the utility, wherein the information includes the meter counts obtained from the electronic meter reader, see column 4, line 31 – column 5, line 13;

a connection mechanism, the connection mechanism being coupled to the processor-memory unit, wherein the connection mechanism is arranged to allow the processor-memory unit to transmit the processed information to a substantially remote receiving device, see column 4, lines 14-16;

wherein the connection mechanism is further arranged to send the message to the substantially remote receiving device, see column 2, lines 5-36

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al (6,052,671) in view of Chasek (5,894,422).

As per claim 5.

Crooks et al ('671) further discloses multiple sites associated with a customer, see figure 7 (58a-c), and receiving address information associated with a location of a meter, see figure 9 (110).

Crooks et al ('671) does not specifically disclose receiving a unit code, the unit code being arranged to identify the units associated with the utility reading.

Chasek ('422) teaches a unit sending a customer identification code stored in a PROM, see column 4, lines 6-31, as a known method of identifying a meter during the meter reading.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to identify the metered sites of Crooks et al ('671) with a customer identifier as taught by Chasek ('422) to individually identify each meter during the collection of meter readings.

6. Claim 9, 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al (6,052,671) in view of Frew et al (4,803,632).

As per claims 9, 26.

Crooks et al ('671) further discloses customer payment through the ACH system, see column 6, lines 30-49..

Crooks et al ('671) does not specifically disclose VisaNET.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

7. Claims 10-14, 19-21, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chasek (5,894,422) in view of Frew et al (4,803,632).

As per Claim 10.

Chasek ('422) discloses:

electronically obtaining a reading from a utility meter, the reading being indicative of the usage of the utility, see column 4, lines 6-31;

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generating a utility message, the utility message including the reading, see column 4, lines 6-31; and

transmitting the utility message to the processing center, for payment for the usage of the utility, wherein the utility message is transmitted across a transmission medium, see column 2, lines 6-14.

Chasek ('422) does not specifically disclose the processing center being arranged to substantially initiate at least one of a credit transaction and a debit transaction.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 11.

Chasek ('422) discloses:

the transmission medium is a network communications line, see column 2, lines 18-31.

As per Claim 12.

Chasek ('422) discloses:

electronically reading the reading from the meter, see column 4, lines 6-31.

As per Claim 13, 28.

Chasek ('422) teaches a customer identification code stored in the meter's PROM, passed as part of the meter reading.

Chasek ('422) does not specifically disclose the utility meter, wherein configuring the utility meter includes entering one of a credit account number and a debit account number into the utility meter.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 14.

Chasek ('422) teaches a fourth message in which customer identification code stored in the meter's PROM, is passed as part of the meter reading.

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Chasek ('422) does not specifically disclose generating a utility message includes creating a second message field including one of a credit account number and a debit account number.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 19.

Chasek ('422) does not specifically disclose an input device configured to permit one of a credit or debit account number to be input.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 20.

Chasek ('422) discloses a utility meter mechanism, arranged to generate a measure of usage of a utility meter, see column 2, lines 60-65;

a processing mechanism, the processing mechanism being arranged to receive a measure of the utility from the utility metering mechanism, wherein the utility metering mechanism is further arranged to transmit the measure of usage of the utility to the processing mechanism, see column 2, lines 60-65,

Chasek ('422) does not specifically disclose the processing mechanism further being arranged to effect at least one of a credit transaction and a debit transaction associated with the measure of the utility.

Frew et al ('632) teaches a meter coupled to a card reader for processing credit and debit transactions related to the utility consumed, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 21.

Chasek ('422) discloses a communication line, arranged to communicably couple the utility metering mechanism to the processing mechanism, see figure 2 (202).

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As per Claim 27.

Chasek ('422) discloses:

obtaining a utility meter reading, the utility reading being a measure of the usage of the utility, see column 4, lines 6-31;

generating a utility message the utility message including the reading, column 4, lines 6-31;

transmitting the message to a processing center, see column 2, lines 6-14

a computer readable medium for storing the computer codes, see column 4, lines 6-16;

Chasek ('422) does not specifically disclose the processing center being arranged to effect at least on of a credit transaction and a debit transaction for payment for the utility, wherein the utility message is transmitted across a transmission medium;

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chasek (5,894,422) in view of Roos (5,699,276).

As per Claim 18.

Chasek ('422) does not specifically disclose the utility meter communicates using a telephone line.

Roos ('276) teaches a meter coupled to a telephone, power line, infrared, wireless optical cellular or satellite communications to transfer data, see column 2, lines 7-10, 25-27 and column 5, line 5 – column 6, line 20 for the benefit of using the most convenient and cost effective method of communication.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a telephone line or other communication medium as taught by Roos ('276) for the benefit of using the most convenient and cost effective method of communications.

9. Claims 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chasek (5,894,422) in view of Frew et al (4,803,632) further in view of Roos (5,699,276).

As per Claim 22.

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Chasek ('422) does not specifically disclose the utility meter communicates using a modem.

Roos ('276) teaches a meter coupled to a modem, telephone, power line, infrared, wireless optical cellular or satellite communications to transfer data, , see figure 3 (392) and column 2, lines 7-10, 25-27 and column 5, line 5 – column 6, line 20 for the benefit of using the most convenient and cost effective method of communication.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a telephone line or other communication medium as taught by Roos ('276) for the benefit of using the most convenient and cost effective method of communications.

9. Claims 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chasek (5,894,422) in view of Frew et al (4,803,632) further in view of Roos

(5,699,276).

As per Claim 23.

Chasek ('422) does not specifically disclose a modem at the processor.

Roos ('276) teaches a meter coupled to a modem, telephone, power line, infrared, wireless optical cellular or satellite communications to transfer data, see figure 3 (392) and column 2, lines 7-10, 25-27 and column 5, line 5 – column 6, line 20 for the benefit of using the most convenient and cost effective method of communication.

It is old and well known in the art of modem communications that for a communication to take place that a modem must be at each end of the communication path.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a modem, telephone line or other communication medium as taught by Roos ('276) for the benefit of using the most convenient and cost effective method of communications.

Prior Art Made of Record

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frew et al (4,803,632) teaches a metering system with a remote display, inside the home, which accepts a credit card payment.

Loe et al (GB 2 313 462) is the closest foreign art and teaches a system of prepaid utility metering which debits from a card at the meter.

Grzanka "Bringing interactivity to the bill" is the closest non-patent literature teaches utility billing and internet, credit card, debit card and prepay payment of utilities.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon
Examiner
Art Unit 3629

January 13, 2003.